Remarks/Arguments

This response is provided in reply to the Final Office Action mailed June 2, 2009. In that action the Examiner identified certain objections and rejections under 35 USC 112 of claims 14-20, 24, and 26. Specifically, the Examiner pointed to means plus function language which the Examiner believed was not properly supported in relation to the specification. This language has been removed from the claims. In addition, the "foil" identified in Claim 24, has been amended to "layer" as the element is set forth in the original specification in paragraph 0027.

The foregoing amendments have been entirely directed to eliminating the Examiner's stated rejections under 35 USC 112, 2nd paragraph, and associated objections in light of 35 USC 112, 6th paragraph claim construction related issues. Accordingly, Applicant has adopted the Examiner's suggestions and therefore submits that these amendments are appropriate for entry under 37 CFR 1.116.

As to the prior art rejections under 35 USC 103: The primary reference to Lucas does not and cannot perform as does the presently claimed device and method. The Lucas device straightens the stacked load with respect to itself on the pallet. It does not, engage a lowermost edge of the stack of flexible sheets, support the edge, and shift the entire stack with respect to the transport substrate. The Kaneda device is a copier/printing type of machine that uses a flexible member to damp the movement of received flexible sheets as they are delivered. The flexible member does not "engage and support" the lowermost sheets in an entire stack so as to move the stack without damage to those engaged and supported lower sheet edges that define the lowermost outer edge of the stack. Likewise,

none of Newsome, Dietz, Greller, Schmitt, nor Pizzi supply the basic deficiencies identified in Lucas and Kaneda above.

The present device aligns the entire stack with respect to the underlying transport substrate without damage to the lowermost edges of the flexible sheets forming the bottom of the stack. As noted in the specification, these lowermost sheets are particularly vulnerable to damage using conventional stack aligning devices such as described in Lucas (and also described in the opening paragraphs of the specification of this application). The damage can also lead to poor performance of the aligning device inasmuch as the bent sheets become trapped between the aligning face and the transport substrate edge. A nonaligned mess ensues.

The present device and method are directed to supporting the lowermost projecting edge of the stack of flexible sheets and aligning the entire stack with respect to the underlying transport substrate. This is accomplished using either a non-slip surface on the alignment face or a member that engages and supports the lowermost flexible sheets as the entire stack is being aligned. The non-slip surface and/or the engaging supporting element can take varying forms, as set forth in the claims.

The foregoing Amendments and Arguments do not raise new issues, but rather, by adopting the suggestions of the Examiner as to claim language, the structural and operational difference distinguishing the present invention are now more readily apparent.

The application is believed to be placed in condition for Allowance. Accordingly, reconsideration and Notice to that effect is earnestly solicited. In the event any

outstanding issue is found to exist, the Examiner is urged to contact the undersigned for a rapid resolution.

Respectfully submitted:

/John M. White/

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